

**TRI-STATE RADIO PLANNING COMMITTEE
REGIONAL PLANNING UPDATE COMMITTEE
800 MHz
FCC-REGION 8**



FCC CT. N.J. N.Y.

**Peter Meade, Chairman
Assistant Fire Marshal
Fire & Rescue Services
Nassau County Fire Commission
140 15th Street
Mineola, NY 11501**

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of

Clarification of FCC 04-294 -
Docket WT 02-55, Paragraphs
53 and 65, and FCC 04-168
Paragraph 198

PETITION FOR CLARIFICATION

Pursuant to the Commissions rules, the Tri-State Radio Planning Committee, FCC Region 8, serving Northern New Jersey, Southern New York, and Southwestern Connecticut ("Region 8") respectfully petitions the Commission to clarify the situation regarding the migration of 821-824/866-869 MHz (NPSPAC) radio channels. We are seeking clarification for two (2) distinct situations.

The first case occurs during the rebanding process, at a point in time when, the process of rebanding a NPSPAC Licensee has been completed to the extent that one or more of its old NPSPAC channels have been moved to the new NPSPAC frequencies

(806-809/851-854 MHz), and that frequency is one of the odd numbered (new FCC channel numbers 3, 5, 7...229). When this occurs, there is no equivalent old General Category frequency for Nextel to relocate to in the new Interleaved Band due to the channel allocation scheme (25 kHz spacing) used in the General Category Band. Since the Commission has granted Nextel relief (FCC 04-294 Supplemental Order and Order on Reconsideration, ¶ 53)¹, the situation will occur that a Nextel license is adjacent to the relocated NPSPAC Licensee for a period of time which could conceivably extend through 36 months from the Notice².

The second situation occurs at the other end of the rebanding area. Since Nextel is permitted³ to move its operations to the former NPSPAC channels (821-824/866-869 MHz) after relocating a current licensee, the situation will occur that a current NPSPAC

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“53. In light of the foregoing, we agree it would be impractical for Nextel to meet the eighteen-month benchmark established in the 800 MHz R&O.”¹⁴ Nonetheless, we remain convinced that the public’s interest in timely completion of band reconfiguration demands that a meaningful midpoint benchmark be maintained. Accordingly, and with the benefit of a better understanding of the proposed band reconfiguration process, we are requiring Nextel to meet a two-fold benchmark eighteen months after band reconfiguration has commenced. By that time it must have:

- Relocated all but Nextel and SouthernLINC incumbents from Channels 1-120 in the first twenty NPSPAC Regions the Transition Administrator has scheduled for band reconfiguration; and, ...”

² FCC DA-05-1546

³ FCC DA-05-1546

“¶198. We envision the relocation process in a particular region unfolding as follows:

- 1) Nextel shuts down its General Category channels and relocates all non-Nextel General Category licensees.⁵¹⁶ It temporarily shifts many of its operations to “green space” at 900 MHz.
- 2) NPSPAC licensees relocate to six megahertz of spectrum in the former General Category space at Nextel’s expense.
- 3) Nextel relocates its systems from the green space and from the interleaved portion of the band into the vacated NPSPAC channels; surrendering its rights to spectrum below 817 MHz/862 MHz spectrum in the process...”

licensee will find itself 12.5 kHz away from an active Nextel channel prior to its own move to 806-809/851-854 MHz. This situation may also extend through 36 months from the Notice.

Conclusion

Region 8 respectfully requests that, due to the imminent loss of Public Safety communications capabilities, the Commission clarify that, during the rebanding process:

- Nextel is required to cease current operation on all channels adjacent (within 25kHz) to relocated NPSPAC frequencies within the radius of 88 km (short spacing) of any site where rebanded licenses exist, and
- Nextel not begin operations on any former NPSPAC channel within the same 88 km distance from any current NPSPAC licensee who has not moved to the new NPSPAC frequencies (806-809/851-854 MHz)
- In view of the process as envisioned in the R&O and further described in the Supplementary Order and Order on Reconsideration, both of these limitations shall hold valid until the entire NPSPAC band has been relocated and all relocated Licensees have finalized the relocation process.

Respectfully Submitted



Peter Meade
Chairman,
March 3, 2006